

110TH CONGRESS
1ST SESSION

H. R. 3171

To amend titles XIX and XXI of the Social Security Act to provide for an express lane for simplified Medicaid and SCHIP eligibility determinations for children.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2007

Mr. KAGEN introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend titles XIX and XXI of the Social Security Act to provide for an express lane for simplified Medicaid and SCHIP eligibility determinations for children.

1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fast Track for
5 **Healthy Children Act of 2007”.**

1 SEC. 2. STATE OPTION TO RELY ON FINDINGS FROM AN EX-
2 PRESS LANE AGENCY TO CONDUCT SIM-
3 PLIFIED ELIGIBILITY DETERMINATIONS.

4 (a) MEDICAID.—Section 1902(e) of the Social Secu-
5 rity Act (42 U.S.C. 1396a(e)) is amended by adding at
6 the end the following:

7 “(13) EXPRESS LANE OPTION.—

8 “(A) IN GENERAL.—

9 “(i) OPTION TO USE A FINDING FROM AN
10 EXPRESS LANE AGENCY.—At the option of the
11 State, the State plan may provide that in deter-
12 mining eligibility under this title for a child (as
13 defined in subparagraph (F)), the State may
14 rely on a finding made within a reasonable pe-
15 riod (as determined by the State) from an Ex-
16 press Lane agency (as defined in subparagraph
17 (E)) when it determines whether a child satis-
18 fies one or more components of eligibility for
19 medical assistance under this title. The State
20 may rely on a finding from an Express Lane
21 agency notwithstanding sections
22 1902(a)(46)(B), 1903(x), and 1137(d) and any
23 differences in budget unit, disregard, deeming
24 or other methodology, if the following require-
25 ments are met:

1 “(I) PROHIBITION ON DETERMINING
2 CHILDREN INELIGIBLE FOR COVERAGE.—

3 If a finding from an Express Lane agency
4 would result in a determination that a
5 child does not satisfy an eligibility require-
6 ment for medical assistance under this title
7 and for child health assistance under title
8 XXI, the State shall determine eligibility
9 for assistance using its regular procedures.

10 “(II) NOTICE REQUIREMENT.—For
11 any child who is found eligible for medical
12 assistance under the State plan under this
13 title or child health assistance under title
14 XXI and who is subject to premiums based
15 on an Express Lane agency's finding of
16 such child's income level, the State shall
17 provide notice that the child may qualify
18 for lower premium payments if evaluated
19 by the State using its regular policies and
20 of the procedures for requesting such an
21 evaluation.

22 “(III) COMPLIANCE WITH SCREEN
23 AND ENROLL REQUIREMENT.—The State
24 shall satisfy the requirements under (A)
25 and (B) of section 2102(b)(3) (relating to

1 screen and enroll) before enrolling a child
2 in child health assistance under title XXI.
3 At its option, the State may fulfill such re-
4 quirements in accordance with either op-
5 tion provided under subparagraph (C) of
6 this paragraph.

7 “(ii) OPTION TO APPLY TO RENEWALS AND
8 REDETERMINATIONS.—The State may apply the
9 provisions of this paragraph when conducting
10 initial determinations of eligibility, redetermina-
11 tions of eligibility, or both, as described in the
12 State plan.

13 “(B) RULES OF CONSTRUCTION.—Nothing in
14 this paragraph shall be construed—

15 “(i) to limit or prohibit a State from tak-
16 ing any actions otherwise permitted under this
17 title or title XXI in determining eligibility for
18 or enrolling children into medical assistance
19 under this title or child health assistance under
20 title XXI; or

21 “(ii) to modify the limitations in section
22 1902(a)(5) concerning the agencies that may
23 make a determination of eligibility for medical
24 assistance under this title.

1 “(C) OPTIONS FOR SATISFYING THE SCREEN
2 AND ENROLL REQUIREMENT.—

3 “(i) IN GENERAL.—With respect to a child
4 whose eligibility for medical assistance under
5 this title or for child health assistance under
6 title XXI has been evaluated by a State agency
7 using an income finding from an Express Lane
8 agency, a State may carry out its duties under
9 subparagraphs (A) and (B) of section
10 2102(b)(3) (relating to screen and enroll) in ac-
11 cordance with either clause (ii) or clause (iii).

12 “(ii) ESTABLISHING A SCREENING
13 THRESHOLD.—

14 “(I) IN GENERAL.—Under this clause,
15 the State establishes a screening threshold
16 set as a percentage of the Federal poverty
17 level that exceeds the highest income
18 threshold applicable under this title to the
19 child by a minimum of 30 percentage
20 points or, at State option, a higher number
21 of percentage points that reflects the value
22 (as determined by the State and described
23 in the State plan) of any differences be-
24 tween income methodologies used by the
25 program administered by the Express Lane

1 agency and the methodologies used by the
2 State in determining eligibility for medical
3 assistance under this title.

4 “(II) CHILDREN WITH INCOME NOT
5 ABOVE THRESHOLD.—If the income of a
6 child does not exceed the screening thresh-
7 old, the child is deemed to satisfy the in-
8 come eligibility criteria for medical assist-
9 ance under this title regardless of whether
10 such child would otherwise satisfy such cri-
11 teria.

12 “(III) CHILDREN WITH INCOME
13 ABOVE THRESHOLD.—If the income of a
14 child exceeds the screening threshold, the
15 child shall be considered to have an income
16 above the Medicaid applicable income level
17 described in section 2110(b)(4) and to sat-
18 isfy the requirement under section
19 2110(b)(1)(C) (relating to the requirement
20 that SCHIP matching funds be used only
21 for children not eligible for Medicaid). If
22 such a child is enrolled in child health as-
23 sistance under title XXI, the State shall
24 provide the parent, guardian, or custodial
25 relative with the following:

1 “(aa) Notice that the child may
2 be eligible to receive medical assist-
3 ance under the State plan under this
4 title if evaluated for such assistance
5 under the State’s regular procedures
6 and notice of the process through
7 which a parent, guardian, or custodial
8 relative can request that the State
9 evaluate the child’s eligibility for med-
10 ical assistance under this title using
11 such regular procedures.

12 “(bb) A description of differences
13 between the medical assistance pro-
14 vided under this title and child health
15 assistance under title XXI, including
16 differences in cost-sharing require-
17 ments and covered benefits.

18 “(iii) TEMPORARY ENROLLMENT IN SCHIP
19 PENDING SCREEN AND ENROLL.—

20 “(I) IN GENERAL.—Under this clause,
21 a State enrolls a child in child health as-
22 sistance under title XXI for a temporary
23 period if the child appears eligible for such
24 assistance based on an income finding by
25 an Express Lane agency.

1 “(II) DETERMINATION OF ELIGI-

2 BILITY.—During such temporary enrollment period, the State shall determine the child's eligibility for child health assistance under title XXI or for medical assistance under this title in accordance with this clause.

8 “(III) PROMPT FOLLOW UP.—In making

9 such a determination, the State shall 10 take prompt action to determine whether 11 the child should be enrolled in medical 12 assistance under this title or child health 13 assistance under title XXI pursuant to sub- 14 paragraphs (A) and (B) of section 15 2102(b)(3) (relating to screen and enroll).

16 “(IV) REQUIREMENT FOR SIMPLIFIED

17 DETERMINATION.—In making such a de- 18 termination, the State shall use procedures 19 that, to the maximum feasible extent, re- 20 duce the burden imposed on the individual 21 of such determination. Such procedures 22 may not require the child's parent, guard- 23 ian, or custodial relative to provide or 24 verify information that already has been 25 provided to the State agency by an Ex-

1 press Lane agency or another source of in-
2 formation unless the State agency has rea-
3 son to believe the information is erroneous.

4 “(V) AVAILABILITY OF SCHIP MATCH-
5 ING FUNDS DURING TEMPORARY ENROLL-
6 MENT PERIOD.—Medical assistance for
7 items and services that are provided to a
8 child enrolled in title XXI during a tem-
9 porary enrollment period under this clause
10 shall be treated as child health assistance
11 under such title.

12 “(D) OPTION FOR AUTOMATIC ENROLLMENT.—

13 “(i) IN GENERAL.—At its option, a State
14 may initiate an evaluation of an individual's eli-
15 gibility for medical assistance under this title
16 without an application and determine the indi-
17 vidual's eligibility for such assistance using
18 findings from one or more Express Lane agen-
19 cies and information from sources other than a
20 child, if the requirements of clauses (ii) and (iii)
21 are met.

22 “(ii) INDIVIDUAL CHOICE REQUIRE-
23 MENT.—The requirement of this clause is that
24 the child is enrolled in medical assistance under
25 this title or child health assistance under title

1 XXI only if the child (or a parent, caretaker
2 relative, or guardian on the behalf of the child)
3 has affirmatively assented to such enrollment.

4 “(iii) INFORMATION REQUIREMENT.—The
5 requirement of this clause is that the State in-
6 forms the parent, guardian, or custodial relative
7 of the child of the services that will be covered,
8 appropriate methods for using such services,
9 premium or other cost sharing charges (if any)
10 that apply, medical support obligations (under
11 section 1912(a)) created by enrollment (if appli-
12 cable), and the actions the parent, guardian, or
13 relative must take to maintain enrollment and
14 renew coverage.

15 “(E) EXPRESS LANE AGENCY DEFINED.—In
16 this paragraph, the term ‘express lane agency’
17 means an agency that meets the following require-
18 ments:

19 “(i) The agency determines eligibility for
20 assistance under the Food Stamp Act of 1977,
21 the Richard B. Russell National School Lunch
22 Act, the Child Nutrition Act of 1966, or the
23 Child Care and Development Block Grant Act
24 of 1990.

1 “(ii) The agency notifies the child (or a
2 parent, caretaker relative, or guardian on the
3 behalf of the child)—

4 “(I) of the information which shall be
5 disclosed;

6 “(II) that the information will be used
7 by the State solely for purposes of deter-
8 mining eligibility for and for providing
9 medical assistance under this title or child
10 health assistance under title XXI; and

11 “(III) that the child, or parent, care-
12 taker relative, or guardian, may elect to
13 not have the information disclosed for such
14 purposes.

15 “(iii) The agency and the State agency are
16 subject to an interagency agreement limiting
17 the disclosure and use of such information to
18 such purposes.

19 “(iv) The agency is determined by the
20 State agency to be capable of making the deter-
21 minations described in this paragraph and is
22 identified in the State plan under this title or
23 title XXI.

24 For purposes of this subparagraph, the term ‘State
25 agency’ refers to the agency determining eligibility

1 for medical assistance under this title or child health
2 assistance under title XXI.

3 “(F) CHILD DEFINED.—For purposes of this
4 paragraph, the term ‘child’ means an individual
5 under 19 years of age, or, at the option of a State,
6 such higher age, not to exceed 21 years of age, as
7 the State may elect.”.

8 (b) SCHIP.—Section 2107(e)(1) of such Act (42
9 U.S.C. 1397gg(e)(1)) is amended by redesignating sub-
10 paragraph (B) and succeeding subparagraphs as subpara-
11 graph (C) and succeeding subparagraphs and by inserting
12 after subparagraph (A) the following new subparagraph:

13 “(B) Section 1902(e)(13) (relating to the
14 State option to rely on findings from an Ex-
15 press Lane agency to help evaluate a child’s eli-
16 gibility for medical assistance).”.

17 (c) ELECTRONIC TRANSMISSION OF INFORMATION.—
18 Section 1902 of such Act (42 U.S.C. 1396a) is amended
19 by adding at the end the following new subsection:

20 “(dd) ELECTRONIC TRANSMISSION OF INFORMA-
21 TION.—If the State agency determining eligibility for med-
22 ical assistance under this title or child health assistance
23 under title XXI verifies an element of eligibility based on
24 information from an Express Lane Agency (as defined in
25 subsection (e)(13)(F)), or from another public agency,

1 then the applicant's signature under penalty of perjury
2 shall not be required as to such element. Any signature
3 requirement for an application for medical assistance may
4 be satisfied through an electronic signature, as defined in
5 section 1710(1) of the Government Paperwork Elimin-
6 nation Act (44 U.S.C. 3504 note). The requirements of
7 subparagraphs (A) and (B) of section 1137(d)(2) may be
8 met through evidence in digital or electronic form.”.

9 (d) AUTHORIZATION OF INFORMATION DISCLOSURE—
10

11 (1) IN GENERAL.—Title XIX of the Social Se-
12 security Act is amended—

13 (A) by redesignating section 1939 as sec-
14 tion 1940; and

15 (B) by inserting after section 1938 the fol-
16 lowing new section:

17 "SEC. 1939. AUTHORIZATION TO RECEIVE PERTINENT IN-
18 FORMATION

19 "(a) IN GENERAL.—Notwithstanding any other pro-
20 vision of law, a Federal or State agency or private entity
21 in possession of the sources of data potentially pertinent
22 to eligibility determinations under this title (including eli-
23 gibility files maintained by Express Lane agencies de-
24 scribed in section 1902(e)(13)(F), information described
25 in paragraph (2) or (3) of section 1137(a), vital records

1 information about births in any State, and information de-
2 scribed in sections 453(i) and 1902(a)(25)(I) is author-
3 ized to convey such data or information to the State agen-
4 cy administering the State plan under this title, to the
5 extent such conveyance meets the requirements of sub-
6 section (b).

7 “(b) REQUIREMENTS FOR CONVEYANCE.—Data or
8 information may be conveyed pursuant to subsection (a)
9 only if the following requirements are met:

10 “(1) The individual whose circumstances are
11 described in the data or information (or such indi-
12 vidual’s parent, guardian, caretaker relative, or au-
13 thorized representative) has either provided advance
14 consent to disclosure or has not objected to disclclo-
15 sure after receiving advance notice of disclosure and
16 a reasonable opportunity to object.

17 “(2) Such data or information are used solely
18 for the purposes of—

19 “(A) identifying individuals who are eligi-
20 ble or potentially eligible for medical assistance
21 under this title and enrolling or attempting to
22 enroll such individuals in the State plan; and

23 “(B) verifying the eligibility of individuals
24 for medical assistance under the State plan.

1 “(3) An interagency or other agreement, con-
2 sistent with standards developed by the Secretary—

3 “(A) prevents the unauthorized use, disclo-
4 sure, or modification of such data and other-
5 wise meets applicable Federal requirements
6 safeguarding privacy and data security; and

7 “(B) requires the State agency admin-
8 istering the State plan to use the data and in-
9 formation obtained under this section to seek to
10 enroll individuals in the plan.

11 “(c) CRIMINAL PENALTY.—A private entity described
12 in the subsection (a) that publishes, discloses, or makes
13 known in any manner, or to any extent not authorized by
14 Federal law, any information obtained under this section
15 shall be fined not more than \$1,000 or imprisoned not
16 more than 1 year, or both, for each such unauthorized
17 publication or disclosure.

18 “(d) RULE OF CONSTRUCTION.—The limitations and
19 requirements that apply to disclosure pursuant to this sec-
20 tion shall not be construed to prohibit the conveyance or
21 disclosure of data or information otherwise permitted
22 under Federal law (without regard to this section).”.

23 (2) CONFORMING AMENDMENT TO TITLE XXI.—

24 Section 2107(e)(1) of such Act (42 U.S.C.
25 1397gg(e)(1)), as amended by subsection (b), is



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1 amended by adding at the end the following new
2 subparagraph:

3 “(F) Section 1939 (relating to authoriza-
4 tion to receive data potentially pertinent to eli-
5 gibility determinations).”.

6 (3) CONFORMING AMENDMENT TO PROVIDE AC-
7 CESS TO DATA ABOUT ENROLLMENT IN INSURANCE
8 FOR PURPOSES OF EVALUATING APPLICATIONS AND
9 FOR SCHIP.—Section 1902(a)(25)(I)(i) of such Act
10 (42 U.S.C. 1396a(a)(25)(I)(i)) is amended—

11 (A) by inserting “(and, at State option, in-
12 dividuals who are potentially eligible or who
13 apply)” after “with respect to individuals who
14 are eligible”; and

15 (B) by inserting “under this title (and, at
16 State option, child health assistance under title
17 XXI)” after “the State plan”.

18 (e) EFFECTIVE DATE.—The amendments made by
19 this section are effective on January 1, 2008.

○